IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

OP.No. 23823 of 2002(J)

PETITIONER:
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1. AYMANAM MARIYATHURUTHU SERVICE
CO-OPERATIVE BANK LTD., NO.1173,
MARIYATHURUTHU P.O., KOTTYAM-27,
REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.P.SANKARANKUTTY NAIR
SRI.T.V.AJAYAKUMAR
SRI.K.SANDESH RAJA

RESPONDENTS:
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1. THE KERALA CO-OPERATIVE TRIBUNAL,
THIRUVANANTHAPURAM.

2. M. CHANDRASEKHARAN NAIR,
POITHITTAYIL HOUSE, CHENNANICKADU,
KOTTAYAM.

3. SENIOR CO-OPERATIVE INSPECTOR,
KUMARANALLOOR UNIT, OFFICE OF THE
CO-OPERATIVE ASST. REGISTRAR (GENERAL),
KOTTAYAM.

R1&3 BY G.P. SMT.R.BINDU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 26/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE SAID ORDER DT.21.10.99 IN ARC NO.3503/87.

P2: TRUE COPY OF ORDER DT.10.10.2000.

P3: .DO. DT.6.8.2001.

P4: .DO. DT.20.9.2001.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 23823 OF 2002

Dated this the 26th day of March, 2007

JUDGMENT

Petitioner has challenged Ext.P1 award before the Tribunal. The Tribunal dismissed the appeal for default. Even though petitioner has filed application to restore the appeal, restoration application itself was dismissed on account of delay and want of bona fides. It is against this order that the present O.P. is filed. Counsel for the petitioner Sri. P. Sankarankutty Nair prayed for remand of the case for considering the matter on merits by the Tribunal. However, I find that the claim of the Bank pertains to loss caused by an employee, which took place during 1979-1986. The bank's claim was rejected by the Arbitrator because Bank did not establish claim against the employee with evidence. If the Bank could not produce evidence in 1987 when the arbitration case was heard, I do not know how the Bank can obtain and produce evidence after 20 years pertaining to matter which took place during 1979-86. In the circumstances I feel the remand will serve no useful purpose. Therefore O.P. is dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge